

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**J.L., et al.,**

Plaintiffs,

v.

**LOWER MERION SCHOOL DISTRICT,**

Defendant.

**CIVIL ACTION**

**NO. 20-1416-KSM**

**ORDER**

**AND NOW**, this 26th day of December, 2024, upon consideration of the District's Motion to Exclude Plaintiffs' Expert Reports and Testimony Concerning The Spelling to Communicate Methodology (Doc. No. 62), Plaintiffs' opposition brief (Doc. No. 67), the District's reply brief in further support of its motion (Doc. No. 72), and the parties' oral arguments, it is **ORDERED** that for the reasons explained more fully in the accompanying Memorandum, the District's motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motion is **GRANTED IN PART** and **DENIED IN PART** as to the expert report and testimony of Dr. Barry Prizant. Dr. Prizant is permitted to opine on the efficacy of Spelling to Communicate ("S2C") as a means of communication for Alex. He is not permitted to testify that S2C is effective communication for Alex under the ADA, or that the District's prohibition of Alex's use of S2C at school is a violation of Alex's ADA or human rights.

2. The motion is **GRANTED IN PART** and **DENIED IN PART** as to the expert report and testimony of Dr. Wendy Ross. Dr. Ross is permitted to opine on how the District's decision to prohibit Alex from using S2C at school impacted Alex psychologically and

neurologically. She is not permitted to testify as to the efficacy of S2C as a communication method for Alex.

3. The motion is **GRANTED IN PART** and **DENIED IN PART** as to the expert report and testimony of Dr. Manely Ghaffari. Dr. Ghaffari is permitted to opine on the effect that the District's decision to prohibit Alex from using S2C at school had on Alex's mental and physical health. She is not permitted to testify as to the efficacy of S2C as a communication method for Alex.

4. The motion is **GRANTED** as to the expert report and testimony of Dr. Anne Robbins.

5. The motion is **DENIED** as to the expert report and testimony of Dr. Amy Laurent.

6. The motion is **DENIED** as to the District's request for a hearing pursuant to Federal Rule of Evidence 104(a).

It is **FURTHER ORDERED** that the Parties shall meet and confer and submit a proposed limiting instruction to the jury regarding expert opinions that rely on Alex's communications through S2C by **December 30, 2024**.

**IT IS SO ORDERED.**

*/s/ Karen Spencer Marston*

---

KAREN SPENCER MARSTON, J.